

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

September 1, 2009

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland and Chairman Harold Collins. Barbara Swearengen Ware was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Ashley Ray from Ridgeway Baptist Church. Councilman Boyd presented Pastor Ray with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of August 18, 2009 with the following motion:

MOTION: Strickland
SECOND: Morrison
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Collins
Brown, Conrad and Hedgepeth did not cast a vote
Ware was absent

APPROVED, as amended

11. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 7/7; 7/21; 8/4; 8/18)**

Ordinance No. 5319

Held until September 15, 2009

12. **ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, OF THE CODE OF ORDINANCES, TO ESTABLISH REQUIREMENTS FOR A CITY OF MEMPHIS FLEET AND EMPLOYEE TAKE HOME VEHICLES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/4; 8/18)**

Ordinance No. 5323

Held until September 15, 2009

25. **RESOLUTION APPROVING FULL AND FINAL SETTLEMENT OF ALL CLAIMS BY THE CITY OF MEMPHIS AND JOSEPH LEE, III IN AN AMOUNT UP TO \$426,422.33. (HELD FROM 7/21; 8/18)**

TABLED

1. **RESOLUTION AUTHORIZING THE APPLICATION TO THE FEDERAL FOREIGN TRADE ZONES BOARD FOR FOREIGN-TRADE SUBZONE STATUS FOR CUMMINS, INC., AT 4155 QUESTWAY IN MEMPHIS, TENNESSEE. THE CITY OF MEMPHIS IS THE DESIGNATED GRANTEE OF FOREIGN-TRADE ZONE NUMBER 77. RESOLUTION FURTHER AUTHORIZES THE MAYOR OF THE CITY OF MEMPHIS TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE SUBMISSION OF THE SUBZONE APPLICATION.**

MOTION: Strickland

SECOND: Morrison

AYES: Boyd, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins

Brown, Conrad and Flinn did not cast a vote

Ware was absent

APPROVED

CONSENT AGENDA – Items 2 - 4 may be acted upon by one motion: SEE PAGE 3016 FOR ROLL CALL

2. **ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, SECTION 2-10 OF THE CODE OF ORDINANCES SO AS TO AMEND THE MEMBERSHIP REQUIREMENTS OF THE BOARD OF ETHICS OF THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5327

APPROVED, on Second reading

3. **RESOLUTION APPROVING FINAL PLAT OF RIGGINS HILLS P.D., 2ND AMENDMENT, PHASE 3.**

Case No. PD 00-303
Contract No. CR-5145

Resolution approves the final plat located on the south side of U.S. Highway 64, 567 feet west of Houston Levee Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

4. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 09-302cc – Cordova Ridge P.D., 4th Amendment
- B. Case No. PD 09-313cc – Woodland Hills P.D., 10th Amendment
- D. Case No. SAC 09-606 – Delp Street Closing

Public Hearing Set for September 15, 2009

- C. Case No. PD 09-319 – Linden Avenue and Fourth Street P.D.

Public Hearing Set for October 20, 2009

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Flinn
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and
Chairman Collins
Brown and Conrad did not cast a vote
Ware was absent

APPROVED

MLGW FISCAL CONSENT – Items 5 - 9 may be acted upon by one motion:

5. **RESOLUTION AWARDDING CONTRACT NO. 11370, ELECTRONIC BILL PRESENTMENT AND PAYMENT SERVICES, TO METAVANTE CORPORATION IN THE FUNDED AMOUNT OF \$1,250,000.00.**

APPROVED

6. **RESOLUTION AWARDDING CONTRACT FOR MULTIPLEXER PARTS TO GE DIGITAL ENERGY LENTRONICS IN THE AMOUNT OF \$236,510.40.**

APPROVED

7. **RESOLUTION AWARDDING 60-MONTH CONTRACT FOR TAP AND TERMINAL KITS TO H D SUPPLY IN THE AMOUNT OF \$924,254.00.**

APPROVED

8. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR 65' PAINTED STEEL POLES TO M. D. HENRY COMPANY, INC. IN THE AMOUNT OF \$1,428,300.00.**

APPROVED

9. **RESOLUTION AWARDDING 60-MONTH CONTRACT FOR URD SECONDARY CABLE TO H D SUPPLY IN THE AMOUNT OF \$9,753,588.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Boyd
SECOND: Ford
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison and Strickland and
Chairman Collins
Brown and Conrad did not cast a vote
Ware was absent

APPROVED

10. **APPOINTMENTS**

ANIMAL SHELTER ADVISORY COMMITTEE

APPOINTMENT

JACQUELYN JOHNS

CITY BEAUTIFUL COMMISSION

APPOINTMENTS

KARLA DAVIS
DENI CARR REILLY

MEMPHIS AREA TRANSIT AUTHORITY

APPOINTMENT

JOHN VERGOS

MEMPHIS HOUSING AUTHORITY BOARD

APPOINTMENT

MARK JONES

**MEMPHIS & SHELBY COUNTY CENTER CITY REVENUE FINANCE
CORPORATION BOARD**

APPOINTMENT

BRANDY ANN JOHNSON-WARD (JOINT APPOINTMENT)

**MEMPHIS & SHELBY COUNTY NEW ARENA PUBLIC BUILDING AUTHORITY
BOARD**

APPOINTMENTS

JULIE RAINES (JOINT APPOINTMENT)
JOHNNIE TURNER (JOINT APPOINTMENT)
DAVID PECK (JOINT APPOINTMENT)

MOTION: Flinn
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Strickland and Chairman Collins
Ware was absent

APPROVED

13. **ORDINANCE TO AMEND CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO MODIFY SECTION 21-80 (B) OF THE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM REQUIREMENTS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/18)**

Ordinance No. 5325

(Councilman Brown made a motion to hold this item for 2 weeks – Special Item #1)

MOTION: Brown
 SECOND: Halbert
 AYES: Brown, Conrad, Ford, Halbert and Halbert
 NAYS: Boyd, Flinn, Fullilove, Hedgepeth, Strickland and Chairman Collins
 Ware was absent

(Special Item #1 – FAILED)

(Councilman Flinn made a motion to include additional purchase of Sky Cams, this was seconded by Councilman Hedgepeth – Special Item #2.

After further discussion of this item, Chairman Collins made a motion that this item be Sent Back to Committee, without objection.

(Sent Back to Committee)

14. **RESOLUTION APPROPRIATING \$2,000,000.00 FOR CIP PROJECT IS01060, COMPUTER AIDED DISPATCH WITH MOBILE DATA TERMINALS, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY 2010 CIP BUDGET.**

MOTION: Strickland
 SECOND: Ford
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins
 Brown did not cast a vote
 Ware was absent

APPROVED

15. **RESOLUTION APPROPRIATING \$1,590,000.00 IN G.O. BONDS GENERAL IN FY 2010 CIP IS01052 TO CORRELATE THE NUMEROUS EVENT LOGIN APPLICATIONS USED BY THE CITY TO COLLECT INFORMATION THAT WAS APPROVED BY CITY COUNCIL IN THE FY 2010 CIP BUDGET.**

MOTION: Strickland
 SECOND: Morrison
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert and Chairman Collins
 Brown, Hedgepeth, Morrison and Strickland did not cast a vote

Ware was absent

APPROVED

16. **RESOLUTION APPROPRIATING \$1,500,000.00 IN G.O. BONDS GENERAL IN FY 2010 CIP IS01066 TO ENSURE RECOVERY OF ALL MISSION CRITICAL SYSTEM COMPONENTS, TELECOMMUNICATIONS, INTERFACES AND APPLICATIONS IN THE EVENT OF A DISASTER THAT WAS APPROVED BY CITY COUNCIL IN THE FY 2010 BUDGET.**

MOTION: Ford

SECOND: Conrad

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins

Brown did not cast a vote

Ware was absent

APPROVED

17. **RESOLUTION APPROPRIATING \$1,500,000.00 FOR CIP PROJECT IS01061, ORACLE RELEASE 12 UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY 2010 CIP PROJECT.**

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins

Ware was absent

APPROVED

18. **RESOLUTION APPROPRIATING \$1,000,000.00 FOR CIP PROJECT IS01059, TRAFFIC SIGNS INVENTORY ASSESSMENT AND INFORMATION MANAGEMENT SYSTEM, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY 2010 CIP BUDGET.**

MOTION: Strickland

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins

Ware was absent

APPROVED

19. **RESOLUTION APPROPRIATING \$250,000.00 FOR CIP PROJECT IS01055, RADIO MAINTENANCE INFRASTRUCTURE UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY 2010 BUDGET.**

MOTION: Strickland
SECOND: Hedgepeth
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins
Flinn recused
Ware was absent

APPROVED

20. **RESOLUTION APPROPRIATING \$250,000.00 FOR CIP PROJECT IS01062, TELEPHONE SYSTEMS UPGRADE AND REPLACEMENT, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY 2010 CIP BUDGET.**

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison and Chairman Collins
Flinn and Strickland did not cast a vote
Ware was absent

APPROVED

21. **RESOLUTION ACCEPTING AND APPROPRIATING \$3,329,685.00 IN HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) GRANT FUNDS. RESOLUTION APPROPRIATES HPRP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE FY 2010 BUDGET.**

MOTION: Ford
SECOND: Fullilove
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison and Chairman Collins
Hedgepeth and Strickland did not cast a vote
Ware was absent

APPROVED

22. **RESOLUTION ACCEPTING AND APPROPRIATING \$2,177,302.00 IN CDBG RECOVERY (CDBG-R) GRANT FUNDS. RESOLUTION APPROPRIATES CDBG-R FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE FY 2010 BUDGET.**

MOTION: Ford
 SECOND: Fullilove
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins
 Ware was absent

APPROVED

23. **RESOLUTION AUTHORIZING THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT TO AWARD \$588,499.00 IN FUNDING TO DESIGNATED 501(C)3 ORGANIZATIONS FOR THE PURPOSE OF COMMUNITY DEVELOPMENT, COMMUNITY INITIATIVES AND ECONOMIC DEVELOPMENT ACTIVITIES.**

Chairman Collins recognized the following people from the audience:

Larry Ellington, 869 Pope St., Memphis, TN. 38112
 David Moore, Park Avenue

MOTION: Ford
 SECOND: Fullilove
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland and Chairman Collins
 Brown, Halbert and Morrison did not cast a vote
 Ware was absent

APPROVED

24. **RESOLUTION APPROPRIATING \$2,500,000.00 OF THE FY 2010 CAPITAL IMPROVEMENT BUDGET FOR THE MHA-LEGENDS PARK (DIXIE HOMES) PROJECT.**

MOTION: Ford
 SECOND: Fullilove
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Collins
 Brown and Halbert did not cast a vote
 Ware was absent

APPROVED

26. **RESOLUTION seeking City Council approval to allow the Riverfront Development Corporation to utilize the net proceeds from the sale of 11.04 acres of Mud Island property to cover any funding shortfalls in City Contract No. 15428 that may occur in FY 2010. (Held from 8/18)**

MOTION: Strickland
 SECOND: Ford

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Morrison, Strickland and Chairman Collins
Brown, Halbert and Hedgepeth did not cast a vote
Ware was absent

APPROVED, as amended

27. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF MEMPHIS THROUGH THE DIVISION OF PARK SERVICES AND MEMPHIS ATHLETIC MINISTRIES (MAM) TO MANAGE AND OPERATE THE FOLLOWING FOUR COMMUNITY CENTER FACILITIES: GREENLAW, 190 MILL AVENUE; SIMON/BOYD-MAGNOLIA, 2130 WABASH STREET; BETHEL LABELLE, 2698 LAROSE AVENUE; AND HAMILTON, 1363 PERSON AVENUE. THE AGREEMENT IS FOR AN INITIAL TWO (2) YEAR PERIOD WITH AN OPTION TO EXERCISE TWO RENEWAL PERIODS OF FOUR (4) YEARS EACH.**

MOTION: Strickland
SECOND: Fullilove
AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison and Strickland
Brown and Halbert did not cast a vote
Chairman Collins recused
Ware was absent

APPROVED

28. **RESOLUTION ACCEPTING FEDERAL GRANT FUNDS FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION AND ESTABLISHING AND ALLOCATION IN THE AMOUNT OF \$444,600.00.**

Resolution also amends the FY 2010 Capital Improvement Budget by transferring an allocation of \$144,320.00 in construction costs funded by G.O. Bonds General from Metal Museum N. Bluff Repair, Project Number PW04073 to A/E, US 51/E. Presley Blvd., Project Number PW01210.

MOTION: Boyd
SECOND: Morrison
AYES: Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Collins
Boyd and Halbert did not cast a vote
Ware was absent

APPROVED

29. **RESOLUTION AMENDING THE FY 2010 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$2,567,631.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO SEWER LINE REPLACEMENT FY 2008, PROJECT NUMBER SW02074. RESOLUTION**

ALSO APPROPRIATES \$2,567,631.00 FUNDED BY SEWER FUNDS FOR SEWER LINE REPLACEMENT FY 2008, PROJECT NUMBER SW02074 FOR AN EXTENSION TO A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES, INC., DBA SCOTT CONTRACTORS, INC.

Chairman Collins recognized the following person from the audience:

Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Boyd
 SECOND: Ford
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Collins
 Brown and Halbert did not cast a vote
 Ware was absent

APPROVED

30. **RESOLUTION APPROPRIATING \$3,932,605.00 FUNDED BY SEWER REVENUE BONDS FOR SOUTH PLANT EXPANSION PROJECT, PROJECT NUMBER SW02033 FOR A CONSTRUCTION CONTRACT WITH CHRIS-HILL CONSTRUCTION CO., LLC TO REPLACE THE COVER AND REPAIR THE ANCHOR WALL AT THE SOUTH PLANT LAGOON.**

MOTION: Boyd
 SECOND: Ford
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Collins
 Brown and Halbert did not cast a vote
 Ware was absent

APPROVED

(Councilman Brown stated that item #5 from August 18, 2009 Minutes, shows that he voted yes, but he did not cast a vote. Councilman Flinn made a motion to suspend the rules and re-open the Minutes, for the purpose of correcting Councilman Brown's vote and without objection, Councilman Brown's vote was removed).

(Councilman Strickland made a motion to approve Same Night Minutes for Items #27 & #30 from tonight's meeting – Special Item #3).

MOTION: Strickland
 SECOND: Ford
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Collins
 Ware was absent

(Special Item #3 – APPROVED)

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Collins recognized the following persons who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Mphs, TN 38116
Abdul-Kareem Abdullah, 3196 Forest Glen, Memphis, TN. 38118
Tierney Matthews, 3979 Swanbrook St., Memphis, TN. 38125
Misty White, 981 Meda St., Memphis, TN. 38104
Walter Broady, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 5:30 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records